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U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIF.
LOS ANGELES

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SKYLINE VISTA EQUITIES LLC,

Plaintiff,

vs.

MARGARET AGOH, et al.,

Defendants.

CASE NO. CV 12-6383 UA (DUTYx)

ORDER SUMMARILY REMANDING
IMPROPERLY-REMOVED ACTION

The Court will remand this unlawful detainer action to state court summarily, because it was removed improperly.

On July 25, 2012, Defendant Margaret Agoh, having been sued in what appears to be a routine unlawful detainer action in California state court, lodged a Notice Of Removal of that action to this Court and also presented an application to proceed *in forma pauperis*. The Court has denied the latter application under separate cover, because the action was not properly removed. To prevent the action from remaining in jurisdictional limbo, the Court issues this Order to remand the action to state court.

There is no basis for concluding that this unlawful detainer action could have been brought in federal court in the first place, in that Defendant does not competently allege facts supplying either diversity or federal question jurisdiction, and therefore, removal is improper. 28 U.S.C. § 1441(a); see *Exxon Mobil Corp v. Allapattah Svcs., Inc.*, 545 U.S.

1 546, 563, 125 S.Ct. 2611, 162 L.Ed.2d 502 (2005). Whether or not complete diversity of
2 citizenship exists, the amount in controversy does not exceed the diversity jurisdiction
3 threshold of \$75,000. *See* 28 U.S.C. §§ 1332, 1441(b). On the contrary, the unlawful
4 detainer complaint expressly alleges that the amount demanded “does not exceed \$10,000.”
5 Nor does Plaintiff’s unlawful detainer action raise any federal legal question. *See* 28
6 U.S.C. §§ 1331, 1441(b).

7 Accordingly, IT IS ORDERED that (1) this matter be REMANDED to the Superior
8 Court of California, San Diego County, 220 West Broadway, San Diego, CA 92101, for
9 lack of subject matter jurisdiction pursuant to 28 U.S.C. § 1447(c); (2) that the Clerk send
10 a certified copy of this Order to the state court; and (3) that the Clerk serve copies of this
11 Order on the parties.

12 IT IS SO ORDERED.

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14 DATED: Aug 2, 2012

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16 Audrey B. Collins
17 AUDREY B. COLLINS
18 CHIEF UNITED STATES DISTRICT JUDGE
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